

CR15-00707-PHX-SRB WASEEM HYMAN 2-23-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,)
)
 Plaintiff,)
) CR15-00707-PHX-SRB
 vs.) Phoenix, Arizona
) February 23, 2016
 Abdul Malik Abdul Kareem,)
)
 Defendant.)
)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #5
TESTIMONY: WASEEM HYMAN

APPEARANCES:

For the Government:

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Proceedings Reported by Stenographic Court Reporter
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E X C E R P T O F P R O C E E D I N G S

THE WITNESS: I affirm to tell the truth to the best of my ability and knowledge.

THE CLERK: Please state your name for the record, spelling your first and last name.

THE WITNESS: I am the username of Waseem Hyman. Waseem is W-A-S-E-E-M. Hyman. H-Y-M-A-N.

THE COURT: Proceed, Ms. Brook.

MS. BROOK: Thank you.

WASEEM HYMAN, WITNESS, SWORN

DIRECT EXAMINATION

BY MS. BROOK:

Q And that microphone right in front of you, if you talk into it, it will project your voice.

So, good morning.

A Good morning.

Q Would you please introduce yourself to the jury.

A My name is Waseem Hyman. Hello.

Q And, Waseem, how old are you?

A Nineteen.

Q What month was your birthday in?

A December.

Q So back last May, you were 18?

A Uh-huh.

Q And do you live here in Phoenix?

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1 A Yes.

2 Q Who do you live with?

3 A My father.

4 Q And your brothers and sisters?

5 A My little sister, yeah.

6 Q And how old is your little sister?

7 A Sixteen.

8 Q So she lives with you as well?

9 A Uh-huh.

10 Q Do you know a man by the name of -- or did you know a man
11 by the name of Elton Simpson?

12 A Yes.

13 Q And how is it that you knew him?

14 A He was a friend of my father.

15 Q And your father, what's his name?

16 A Abdul Hyman.

17 Q Does he go by any initials?

18 A Not that I know of.

19 Q So you said that Elton Simpson was a friend of your dad's.
20 What did you call him?

21 A Ibrahim.

22 Q All right. And I'm going to place on the overhead, not
23 yet admitted, but marked Government's Exhibit 431.

24 Do you recognize the person in that photo?

25 A Yes.

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1 Q And who is it?

2 A Elton Simpson. Ibrahim.

3 MS. BROOK: The government moves to admit and publish
4 431.

5 MR. MAYNARD: No objection.

6 THE COURT: 431 is admitted.

7 (Exhibit No. 431 admitted in evidence.)

8 MS. BROOK: And, Maureen, when we have a moment, can
9 you hand to the witness Exhibit 351, please.

10 BY MS. BROOK:

11 Q You had mentioned that you knew him. So Ibrahim was a
12 friend of your dad's. And how old do you think you were when
13 you first met him?

14 A I don't know.

15 Q A kid? Teenager?

16 A A kid.

17 Q And would he come over to your house regularly?

18 A Every so often, yeah.

19 Q When he came over to your house, would he ever talk to you
20 about Islam?

21 A Yes.

22 Q What sort of things would he tell you about being a
23 Muslim?

24 A Pretty much the necessities, you know. Guard your
25 prayers. Respect your parents and people. You know, pretty

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1 much, that's just it.

2 Q What was the first thing that you said?

3 A Oh, guard your prayers.

4 Did I say that was the first one?

5 THE COURT: He did.

6 BY THE COURT:

7 Q Yeah, you did.

8 Explain that. What does that mean?

9 A To me just like Muslims are supposed to pray five times a
10 day, you know. He is just telling me to be consistent, to
11 guard my prayers, to pray when I'm supposed to.

12 Q And Ms. Lemke who is sitting there is typing, writing out
13 everything you say. That's why she just wants you to go an
14 little bit slower so she can hear what you're saying.

15 A Oh, okay.

16 Q So to pray five times a day?

17 A Uh-huh.

18 Q And you mentioned be good to your parents?

19 A Uh-huh. My dad, yeah.

20 He told me -- that was pretty much it. It was always
21 that. Because me and my dad used to argue a lot, you know,
22 and he just told me, you know, respect your father, honor
23 that, you know, but, yeah.

24 Q You mentioned that he would come over to your house?

25 A Uh-huh.

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1 Q And up through last May, would he also come up to your
2 house and visit at your dad's house?

3 A Sometimes, yeah, but not a lot, no.

4 Q Did you ever meet Abdul Kareem?

5 A Uh-huh.

6 THE COURT: Yes?

7 THE WITNESS: Yes.

8 THE COURT: Thank you.

9 BY MS. BROOK:

10 Q And how is it that you came to meet Abdul Kareem?

11 A He's friends with my father.

12 Q And Abdul Kareem, was he also friends with Ibrahim?

13 A Yes.

14 Q And would he also come over to your house?

15 A They never really came together or anything, but like he
16 would come but they would go to the masjid, you know, as a
17 ride, you know.

18 Q So Abdul Kareem would go to the mosque too?

19 A Yes.

20 Q And Ibrahim would go to the mosque as well?

21 A Yeah.

22 Q And you, yourself, would you consider yourself a devout
23 Muslim or something else?

24 A What do you mean by "devout"?

25 Q Would you consider yourself to be somebody who is really

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1 strict with your practice?

2 A No.

3 Q Okay. But you do go to the mosque and you do practice?

4 A Barely.

5 Q Okay. And are you somebody that prays five times a day?

6 A No.

7 Q Do you pray once a day? Or do you just go to the mosque
8 or something different?

9 A I don't pray consistently. I pray sometimes. I should be
10 praying more, though, but I don't pray consistently. It's
11 been maybe like two or three weeks since I last prayed, so,
12 yeah.

13 Q So it's been about two or three weeks since you last
14 prayed and is that about how you regularly pray?

15 A Kind of, yeah.

16 Q You had mentioned that Ibrahim talked to you about being
17 Muslim and about praying more often or more consistently?

18 A Uh-huh.

19 Q I want to talk about the last time you saw Ibrahim.

20 So I want to talk about Friday, May 1st. Were you at
21 home that day?

22 A Friday, May 1st? Yeah.

23 Q And did you see Ibrahim at your house?

24 A Uh-huh.

25 Q Were you at home by yourself or with other people?

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1 A Me and my sister were there.

2 Q And how was it that Ibrahim came over to your house? Did
3 you know he was coming or did he show up unannounced?

4 A He showed unannounced.

5 Q Do you remember about what time it was?

6 A No. It was probably like in the afternoon though.

7 Q Okay. And why do you say that?

8 A Because it was daytime, like I just woken up. And I sleep
9 in, so it was probably like the afternoon.

10 Q Okay. And you had mentioned -- was your sister home?

11 A Yeah.

12 Q Okay. So did he come right in or did he ring the doorbell
13 or something else?

14 A Oh. He knocked and I let him in.

15 Q So he knocked on the front door?

16 A The screen door, yeah.

17 Q And you let him in?

18 A Uh-huh.

19 Q Did you talk to him that afternoon?

20 A Yes.

21 Q What was his mood like?

22 A Same as usual. Just calm.

23 Q So calm?

24 A Uh-huh.

25 Q And did he talk to you that afternoon about being a

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1 Muslim?

2 A Yes.

3 Q What sort of things did he talk to you about that day?

4 A Same stuff as usual, you know, respecting my parents,
5 guarding my prayers, yeah.

6 Q And did he write down a list for you?

7 A Yes.

8 Q Okay. Did he write it down in the living room or were you
9 in a different room?

10 A He wrote it down in the living room.

11 Q And did he write it down on a piece of paper or something
12 else?

13 A A piece of paper.

14 Q As he was writing the list, did he explain what he was
15 doing?

16 A No. He just told me that whenever I get the chance, I
17 should check it out.

18 Q And what did you infer that to mean? What did that mean
19 to you to check it out?

20 A That there must be some type of information behind it that
21 he wants me to look into.

22 Q I want you to go ahead. Up before you is Exhibit No. 351.
23 If you can open that envelope and take a look and turn to the
24 second page. The first is just a place holder.

25 A Okay.

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1 Q Do you recognize that?

2 A Yeah.

3 Q And what do you recognize that as?

4 A The paper you guys had taken from my house.

5 Q Okay. So that was a piece of paper that the FBI had taken
6 from your house?

7 A Uh-huh.

8 Q After the attack in Garland?

9 A Yes.

10 Q Okay. And was that the same piece of paper that Ibrahim
11 wrote out that day for you and gave to you?

12 A Yes.

13 Q The same piece of paper that we were talking about a
14 moment ago with the list of things to check out?

15 A Yes.

16 MS. BROOK: All right. Your Honor, the government
17 moves to admit and publish Exhibit No. 351.

18 MR. MAYNARD: No objection.

19 THE COURT: 351 is admitted.

20 (Exhibit No. 351 admitted in evidence.)

21 BY MS. BROOK:

22 Q I'm going to go ahead and place it on the overhead.

23 Let's read this together.

24 Number one, can you read that for us.

25 A Abu Baraa.

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1 Q And what does it say next to it?

2 A What is known by necessity in Islam.

3 Q And let's go to No. 2. What's No. 2?

4 A Imam Anwar -- I can't read these other names. I don't
5 know how to pronounce them.

6 Q Is that al-Awlaki?

7 A Yeah, I guess.

8 Q Okay. And let's just look at this list for a second.

9 So we have listed here on it there is -- or is listed
10 1 through 7. And this list is just as it was when Ibrahim
11 handed it to you?

12 A Well, I don't remember exactly how it looked because I
13 never really got the chance to kind of go over it, so, yeah.

14 Q Do you remember looking up No. 1?

15 A Yeah.

16 Q And how is it that you looked up who No. 1 was?

17 A YouTube.

18 Q Okay. And do you remember what you learned?

19 A I believe it was something on marriage, you know, like but
20 that was all, so, yeah. But I didn't really take much from
21 it. I started the video and kind of quit it because it was
22 like too long and it was kind of boring, so, but, yeah.

23 Q You mentioned Ibrahim's mood when he was with you. You
24 said it was the same as always.

25 Describe for us as he's giving you this piece of

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1 paper after he wrote out the seven people on it and handed it
2 to you, what's his mood like then?

3 A The same. Calm.

4 Q And what did he tell you to do with this list of seven
5 people?

6 A Didn't you just ask me that?

7 Q I may have.

8 A He told me to check them out.

9 Q We talked a moment ago about Abdul Kareem who you said you
10 knew that he would come to your house.

11 Do you see him here in the courtroom with us?

12 A I can't even see correctly, no.

13 Is that him there? (Indicating)

14 THE COURT: The man standing?

15 THE WITNESS: Okay. Yeah. That's him.

16 THE COURT: Okay. Thank you.

17 MS. BROOK: Your Honor, may the record reflect that
18 the witness has identified the defendant?

19 THE COURT: Yes.

20 MS. BROOK: One moment. I don't have any other
21 questions. Thank you.

22 THE COURT: Mr. Maynard?

23 **CROSS EXAMINATION**

24 BY MR. MAYNARD:

25 Q Can I call you Waseem?

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1 A Yeah.

2 THE COURT: No.

3 MR. MAYNARD: No?

4 Okay. Mr. Hyman.

5 THE COURT: Yes.

6 MR. MAYNARD: The only reason was I think his --

7 Okay. Mr. Hyman.

8 BY MR. MAYNARD:

9 Q You're 19?

10 A Uh-huh.

11 Q You need to say either "yes" or "no" for the court
12 reporter.

13 A Oh, yes, yes. My bad. I'm sorry.

14 Q "Uh-huhs" and "yeahs" are hard to take down.

15 Are you in school now?

16 A Yeah -- yes.

17 Q Okay. Now, you live with your dad and your sister.

18 You've known Mr. Simpson for -- since you were a young boy?

19 A Yeah.

20 Q Okay. And he would come by your house on occasion and he
21 would talk to you about Islam; is that correct?

22 A He didn't come to my house just to talk to me about Islam
23 all the time. He's not there for me, you know. But when he
24 was there, like when he talked to me, he just, you know, how's
25 things going, you know.

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1 Q Sure.

2 A And he would bring up, you know, like matters with family,
3 you know, how you respect your parents. Same thing always.

4 Q He was a friend of your dad's?

5 A Uh-huh.

6 Q Is that "yes"?

7 A Yes.

8 Q Okay. And did he take you and your sister sometimes maybe
9 to the mall or to do social-type things?

10 A Yeah, but that was when we were little, so, yeah.

11 Q Okay. And Abdul Kareem, you've known him for sometime,
12 correct?

13 A Yes.

14 Q Okay. In fact, he's a relative of your family's?

15 A Uh-huh.

16 Q Correct?

17 A Yes.

18 Q Okay. Do you know the relationship between Abdul Kareem
19 and your dad?

20 A Not exactly. I think we might be related through cousins,
21 but.

22 Q Okay. Have you ever been to his house?

23 A Yes.

24 Q On a number of occasions or how often?

25 A I think like once or twice.

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1 Q And what was the reason that you would go to Abdul
2 Kareem's house?

3 A I think one time was because we had went to the masjid
4 before and -- or after. I'm not sure. It was long ago, so I
5 don't remember exactly. And then just one time working with
6 him.

7 Q Okay. Did you ever go over there to eat?

8 A Yeah. That was like the second time maybe, yeah.

9 Q Okay. Now, let me take you back to May 1st. And this is
10 the time that Ibrahim came to your house. He came sometime
11 and it was daylight and you had recently gotten up?

12 A Yeah.

13 Q Typical teenager? You get up late in the afternoon?

14 A Yes.

15 Q Okay.

16 THE COURT: Well, do you get up late in the afternoon
17 or just in the afternoon?

18 THE WITNESS: Just like in the afternoon.

19 THE COURT: So you get up at noon or one?

20 THE WITNESS: I don't remember.

21 THE COURT: I mean, typically?

22 THE WITNESS: Typically, around like noon, yeah.

23 THE COURT: Okay.

24 BY MR. MAYNARD:

25 Q Okay. You did not go to the masjid that day?

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1 A No.

2 Q And the masjid, for most of us, is a mosque, correct?

3 A Yeah.

4 Q Okay. And so Friday, May 1st, was a Friday. Do you
5 recall that?

6 A I don't remember the date, but I just know it was a
7 Friday, yeah.

8 Q Okay. And tell us how long Ibrahim was there visiting
9 with you and your sister on that day?

10 A Well, my sister was out in the living room for like maybe
11 eight minutes, you know, but they weren't talking. She just
12 went back in her room. And he was there for me like, I'd say,
13 like 15, 20.

14 Q Okay. And the list that you've shown us today that we
15 have, did he write that there or did he bring it with him?

16 A He wrote it at the house.

17 Q Okay. And when you said that you looked at one of them
18 and you didn't find it very interesting, was that that day or
19 was that later on?

20 A I think it might have been like that day, actually, or the
21 next day. I'm not sure.

22 Q Okay. Was it with him there or was it after he had
23 already left?

24 A What do you mean? Like, what do you mean by that?

25 Q Well, I mean, he gives you the list that we've got on the

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1 screen.

2 THE COURT: I think the question is: Did you watch
3 it while Ibrahim was still there or did you watch it after he
4 left?

5 THE WITNESS: Oh. I watched it after me left. But
6 that was just one of the people on the list.

7 MR. MAYNARD: All right. Thank you.

8 BY MR. MAYNARD:

9 Q Did you stay home -- were you home into the evening,
10 seven, eight, nine o'clock that night?

11 A Yeah, I believe so. I don't remember. I don't know.

12 Q Do you remember whether or not Ibrahim came to your house
13 later that evening?

14 A No, he didn't. I don't remember.

15 Q You don't remember seeing him?

16 A No.

17 Q Okay.

18 A I didn't see him after that I didn't see him anymore.
19 That was the last time I seen him, actually.

20 Q That was the last time you saw him was that --

21 A When he gave me this list was the last time I saw him,
22 yeah.

23 Q You've told us that there were times when Ibrahim would
24 tell you things about being a good Muslim, paying attention to
25 your dad, saying your prayers.

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1 Did Abdul Kareem ever tell you what you needed to do
2 to be a good Muslim?

3 A No. I mean, he was as an example he prayed, I guess. I
4 think he prays. But we never had like one-on-one
5 conversations like that, no.

6 Q Okay. Was it fair to say that you were closer to Ibrahim
7 than you were to Abdul Kareem?

8 A Yeah, in a way, yeah.

9 MR. MAYNARD: Just a moment, Your Honor.

10 BY MR. MAYNARD:

11 Q The seven individuals that are on the list, prior to
12 getting this list, had you ever heard of them before?

13 A No.

14 Q Now, at some point did the FBI come to your house?

15 A Yes.

16 Q Okay.

17 A A couple times.

18 Q Do you remember when they came the first time?

19 A Yes.

20 Q And how was it that they came? What do you remember?

21 A They just came inside. They didn't really talk to me at
22 the time, you know, but, yeah, that was -- that's how. They
23 just came. They spoke to my father, but, yeah.

24 Q Okay. Did they ever come and execute a search warrant at
25 your house?

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1 A Oh, yeah. Malicious prosecution for that, yeah, they did.
2 It did have a part B to it also.

3 Q I'm sorry. I didn't hear you.

4 A Yeah. They executed a search warrant but it was wrong.

5 Q How was it? Did they come and knock on the door and you
6 came to the door?

7 A They came -- I wasn't there at the time. I came after.

8 They came to the door before -- my sister and my
9 father told me they came to the door with guns to my father's
10 and sister's head and --

11 MS. BROOK: Objection.

12 THE WITNESS: -- you know, they came --

13 THE COURT: Hold on. Hold on. Don't tell us what
14 your father or your sister told you. Just tell us what you
15 observed when you came home.

16 THE WITNESS: I wasn't there when they came at that
17 time, no.

18 THE COURT: And were you home before they left?

19 THE WITNESS: Huh?

20 THE COURT: Were you home before the FBI left?

21 THE WITNESS: When they did the search warrant?

22 THE COURT: Yes.

23 THE WITNESS: Oh, yeah. I wasn't there when they
24 came to do the search warrant. I came after. Like they
25 weren't there though.

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1 THE COURT: They weren't there then?

2 THE WITNESS: No.

3 THE COURT: Okay.

4 BY MR. MAYNARD:

5 Q Okay.

6 A But also when they came without a part B too.

7 MS. BROOK: Objection. No question.

8 BY MR. MAYNARD:

9 Q Did you at some point go to the FBI and get this document
10 back?

11 A This document here?

12 Q Yes.

13 A No. This -- this is the document here, I believe.

14 Q Okay.

15 A Yeah.

16 Q Did they take any electronic things from your house such
17 as cell phones, computers, things of that nature?

18 A Yes.

19 Q Were any of them yours?

20 A Yes. I received a laptop broke. They got it back from us
21 because they weren't supposed to take the cell phones without
22 an arrest. And none of the electronics --

23 MS. BROOK: Objection. Move to strike.

24 THE COURT: Overruled. The answer will stand.

25 So why don't you ask your next question, Mr. Maynard?

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1 BY MR. MAYNARD:

2 Q Okay. At some point did you get your cell phones and your
3 computers back?

4 A Yes. I believe a week later, but the laptop was broke.

5 MR. MAYNARD: Okay. Can I have just a moment, Your
6 Honor?

7 THE COURT: Yes.

8 MR. MAYNARD: I have no further questions, Judge.

9 THE COURT: Ms. Brook, any additional questions for
10 Mr. Hyman?

11 MS. BROOK: Just briefly, Your Honor. Thank you.

12 **REDIRECT EXAMINATION**

13 BY MS. BROOK:

14 Q Defense counsel asked you about the document that is
15 Exhibit No. 351 we were talking about before, the one that's
16 on the overhead and they asked if you got it back.

17 I believe your response was, no, this is it.

18 So the document that you have in front of you, that's
19 the exact piece of paper that Ibrahim wrote out for you that
20 day on May 1st?

21 A I believe so.

22 Q And that day you mentioned that you were home, your sister
23 was home. Your dad, he wasn't home?

24 A No.

25 Q Your dad, he goes by the initial AK; is that right?

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1 A I don't know.

2 Q Have you heard his friends call him AK?

3 A No.

4 Q When he got home later that night, don't tell us what you
5 said, but did you tell him that Ibrahim had come to the house?

6 A Yeah.

7 Q And did he say something in response to you after you told
8 him that Ibrahim had come to the house?

9 MR. MAYNARD: Objection, Your Honor. It's beyond the
10 scope.

11 THE COURT: Sustained.

12 THE WITNESS: Do I --

13 THE COURT: No. Don't answer. Thanks.

14 THE WITNESS: Can you reask that again actually?

15 BY MS. BROOK:

16 Q So that night, that evening, you were at the house, right?

17 A With my father. That part, like, to that part.

18 Q Okay. You were at your house that evening when your
19 father came home?

20 A Uh-huh.

21 THE COURT: Yes?

22 THE WITNESS: I don't know if he came back in the
23 evening, but like it was in nighttime when he came back home.

24 THE COURT: Late afternoon?

25 THE WITNESS: Late afternoon, yeah, probably.

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1 BY MS. BROOK:

2 Q At no point that night you saw Ibrahim again?

3 THE WITNESS: No.

4 MS. BROOK: I don't have any other questions.

5 THE COURT: May this witness be excused and released
6 from his subpoena?

7 MS. BROOK: Yes.

8 MR. MAYNARD: Yes.

9 THE COURT: Thank you very much. You may step down,
10 sir. You are released from your subpoena.

11 THE WITNESS: Do you guys need this here?

12 THE COURT: Just leave it right there and we'll
13 collect it. Thank you very much.

14 THE WITNESS: God bless.

15 (End of Excerpt of Proceedings.)

16 * * *

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 1st day of March, 2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE